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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No. 1414 of 2001

Petitioner : Ganga prasad Dansena
S/o. Late Shri Garju Dansena
Asstt. Teacher, Govt. Girls Higher Secondary school, Raigarh (under Transfer to middle school) Tah. & Dist. Raigarh.

Vs.

Respondents : 1. State of Chhattisgarh th:
Department of school education D.K.S. Mantralaya, Raipur District Raipur.
2. District education officer Raigarh (Chhattisgarh).
3. The principal, Govt. Girls Higher Secondary school, Raigarh (Chhattisgarh).
4. Chief executive officer Zila panchayat Raigarh (Chhattisgarh)

P.R. No. 14857
Presented by Shri/Smt. Chandrasingh
dated 8.8.07

Petitioner under Article 226/227 of the constitution of India for issuance of appropriate writ/direction/etc.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1414 of 2001

Petitioner : Ganga Prasad Dansena

Versus

Respondents : State of Chhattisgarh and others

SB : Hon'ble Shri Satish K. Agnihotri, J.

Present: Mr. Manoj Paranjape, counsel for the petitioner.
Ms. Deepali Pandey, Panel lawyer for the respondents No. 1 to 3/State.

ORDER

(Passed on this 21st day of February, 2007)

1. The petitioner, while working as Assistant Teacher in Government Girls Higher Secondary School, Raigarh, was transferred to Middle School, Nachanpali (Sarangarh) vide impugned order dated 31.7.2001 (P/4).

2. This Court vide interim order dated 14.8.2001 directed that until the next date of hearing, the petitioner shall not be relieved.

3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.

4. it is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of

authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge